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Attorneys for Plaintiff ALAN SUKIN

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ALAN SUKIN,	) Case No.: C 072829 VRW (E-FILING)
)
Plaintiff,	) PLAINTIFF ALAN SUKIN'S NOTICE
	) OF MOTION AND MOTION FOR
v.	) REMAND BACK TO STATE COURT
	) AND REQUEST FOR COSTS AND FEES
STATE FARM AUTOMOBILE INSURANCE	) (28 U.S.C. §1447(c))
COMPANY, THE COMMISSIONER OF THE)
CALIFORNIA DEPARTMENT OF	) [Filed concurrently with Plaintiff's Points
INSURANCE; and DOES 1 through 20, inclusive	) and Authorities in Support Thereof;
	) Declarations In Support Thereof; and
Defendants.	) [Proposed] Order]
)
	) DATE: Thursday, August 16, 2007
	) TIME: 2:00 P.M.
	) DEPT: Courtroom 6, 17 TH Floor
)
	) TRIAL DATE: Not Yet Set

PLEASE TAKE NOTICE that on Thursday, August 16, 2007 at 2:00 p.m. or as soon thereafter as counsel may be heard in Courtroom 6, 17th Floor of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102 Plaintiff ALAN SUKIN will and does hereby move the Court for remand of this matter back to State Court and for fees and costs incurred in obtaining them as a result of the removal. The motion is based on the existence of diversity

1 jurisdiction as established in the motion and that the notice of removal is procedurally defective and
2 further upon this notice and motion, this attached memorandum of points and authorities, the
3 attached declaration of Bennett M. Cohen and supplemental declaration to be filed subsequently, the
4 pleadings on file in this action and upon such oral argument as shall be allowed at the hearing of
5 this motion.

6
7 Dated: July 2, 2007

BOURHIS & MANN

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9 By: 

10 Ray Bourhis, Esq.

11 Lawrence Mann, Esq.

12 Bennett M. Cohen, Esq.

13 Attorneys for Plaintiff ALAN SUKIN
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PROOF OF SERVICE***Alan Sukin v. State Farm Mutual Automobile Insurance Company, et al.******U.S. District Court, Northern District of California, Case No. C07-2829 VRW***

I am a resident of the State of California, over the age of eighteen years and not a party to this action. My business address is 1050 Battery Street, San Francisco, California 94111. On July 2, 2007, I will serve the following documents:

PLAINTIFF ALAN SUKIN'S NOTICE OF MOTION AND MOTION FOR REMAND
BACK TO STATE COURT AND REQUEST FOR COSTS AND FEES (28 U.S.C. §1447(c)

in the manner as provided by Rule 5(b) of the Federal Rules of Civil Procedure by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. I am employed in the county where the mailing described below occurred, and am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I placed a true copy of the specified document(s) in a sealed envelope(s) with postage thereon fully prepaid. The envelope(s) will be deposited with the United States Postal Service on this day in the ordinary course of business in San Francisco, California.

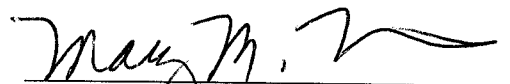
FOR DEFENDANT STATE FARM
MUTUAL AUTOMOBILE INSURANCE
COMPANY:

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COMMISSIONER FOR THE CALIFORNIA
DEPARTMENT OF INSURANCE

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(X) (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at San Francisco, California, on July 2, 2007.


Mary M. Martin